

Jul 06, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

AUSTIN LEE RUSSELL,

Defendant.

No. 2:15-CR-00127-WFN-1

ORDER GRANTING
DEFENDANT'S MOTION TO
MODIFY RELEASE CONDITIONS

MOTION GRANTED
(ECF No. 75)

Before the Court is Defendant's Motion to Modify Conditions of Release, **ECF No. 75**. Defendant recites in his motion that U.S. Probation opposes his request and the United States leaves the decision to the discretion of the Court.

Specifically, Defendant is requesting to reside at residential outpatient treatment upon discharge from inpatient treatment on July 8, 2021.

The Court finding good cause, **IT IS ORDERED** Defendant's Motion, **ECF No. 75**, is **GRANTED**.

Defendant is released on the following conditions pending the revocation hearing before Judge Nielsen:

- (1) Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement. Defendant shall not work for the United States government or any federal or state law enforcement agency, unless Defendant first notifies the supervising Pretrial Services Officer in the captioned matter.
- (2) Defendant shall reside at an address known to and approved by Pretrial Services, and shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.

- (3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
- (4) Defendant shall sign and complete A.O. Form 199C before being released and shall reside at the address furnished.
- (5) Defendant shall not possess a firearm, destructive device or other dangerous weapon.
- (6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.
- (7) Defendant shall contact defense counsel at least once a week.
- (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
- (9) Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.
- (10) Defendant shall surrender any passport and Enhanced Driver's License to Pretrial Services and shall not apply for replacements.
- (26) **Outpatient Treatment:** Defendant shall participate in residential outpatient substance abuse treatment at the Adult and Teen Challenge (ATC) Program in Airway Heights.
- (27) **Prohibited Substance Testing:** If random urinalysis testing is not done through a treatment program, random urinalysis testing shall be conducted through Pretrial Services, and shall not exceed six (6) times per month. Defendant shall submit to any method of testing required by the

1 Pretrial Service Office for determining whether the Defendant is using a
2 prohibited substance. Such methods may be used with random frequency and
3 include urine testing, the wearing of a sweat patch, a remote alcohol testing
4 system, and/or any form of prohibited substance screening or testing.

5 Defendant shall refrain from obstructing or attempting to obstruct or tamper,
6 in any fashion, with the efficiency and accuracy of prohibited substance
7 testing.

8 (31) **Other:** Defendant shall be transported from inpatient treatment at Pioneer
9 Center East to residential outpatient treatment on July 8, 2021, by staff from
10 the Adult and Teen Challenge Program (ATC).

11 (32) **Other:** Defendant shall reside at ATC. Upon completion of the ATC
12 program, Defendant shall return to the custody of the U.S. Marshal absent
13 further order of the Court.

14 **IT IS SO ORDERED.**

15 DATED July 6, 2021.



A handwritten signature in black ink, appearing to read "JR", is written over a horizontal line.

16 JOHN T. RODGERS
17 UNITED STATES MAGISTRATE JUDGE
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